

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DANA-FARBER CANCER INSTITUTE, INC.,

Plaintiff and Counterclaim  
Defendant,

vs.

GATEKEEPER PHARMACEUTICALS, INC.,

Defendant, Counterclaim  
Defendant, and Cross-claim  
Plaintiff,

vs.

NOVARTIS PHARMA, A.G., NOVARTIS  
INTERNATIONAL PHARMACEUTICAL,  
LTD., and NOVARTIS INSTITUTES FOR  
BIOMEDICAL RESEARCH, INC.,

Cross-Claim Defendants and  
Counterclaim Plaintiffs

Civil Action No. 1:10-CV-11613

**SUBMISSION OF PROPOSED SECOND AMENDED CROSSCLAIM OF  
GATEKEEPER PHARMACEUTICALS, INC.**

Third-party plaintiff Gatekeeper Pharmaceuticals, Inc. submits this Proposed Second Amended Crossclaim of Gatekeeper Pharmaceuticals, Inc. pursuant to Gatekeeper's proposal set forth in Section VIII of the Pretrial Memorandum jointly submitted on September 20, 2013 by Gatekeeper Pharmaceuticals, Inc. and Novartis International Pharmaceutical, Ltd. and Novartis Institutes for BioMedical Research, Inc. (collectively "Novartis"). This amendment conforms the complaint to the evidence adduced in discovery.

Attached as Exhibit A is the final version of the Proposed Second Amended Crossclaim of Gatekeeper Pharmaceuticals, Inc.. Attached as Exhibit B is a redlined version of the same

document showing the changes from the prior complaint. This redline was provided to Novartis on September 16, 2013, in connection with the exchange of the draft Pretrial Memorandum.

Dated: September 20, 2013

Respectfully Submitted,

GATEKEEPER PHARMACEUTICALS, INC.

By its attorneys,

/s/ Timothy T. Scott  
Timothy T. Scott  
tscott@kslaw.com  
Geoffrey M. Ezgar  
gezgar@kslaw.com  
KING & SPALDING LLP  
333 Twin Dolphin Drive, Suite 400  
Redwood Shores, CA 94065  
Telephone: (650) 590-0700  
Facsimile: (650) 590-1900

Theodore J. Folkman  
tjf@murphyking.com  
MURPHY & KING, P.C.  
One Beacon Street, 21st Floor  
Boston, MA 02108-3107  
Telephone: (617) 434-0400  
Facsimile: (617) 423-0498

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the NEF, and paper copies will be sent to those indicated as non registered participants on September 20, 2013.

/s/ Timothy T. Scott

Timothy T. Scott